



# **PRIOR LAKE-SPRING LAKE ORDERLY ANNEXATION BOARD**

**Tuesday, July 14, 2020  
6:00 PM**

**Spring Lake Township Hall  
20381 Fairlawn Ave  
Prior Lake, MN 55372**



**PRIOR LAKE-SPRING LAKE**  
**ORDERLY ANNEXATION BOARD**

**Spring Lake Township Hall**  
**20381 Fairlawn Ave, Prior Lake, MN 55372**

**6:00 p.m. Tuesday, July 14, 2020**

**I. Approval of Previous Minutes from November 2018 Prior Lake-Spring Lake  
Orderly Annexation Board Meeting**

**II. Agenda Item – Highmark Companies-Applicant (PL#2020-035)**

- A. Variance to Reduce the 25 Foot Setback to 10 Feet From a Local Road Right-of  
Way.

Location:	Section 9
Township:	Spring Lake
Current Zoning:	UER

**III. Agenda Item – Chad Adamek-Applicant (PL#2020-031)**

- A. Request for Interim Use Permit to Operate a Public Dog Kennel.

Location:	Section 17
Township:	Spring Lake
Current Zoning:	UER

**IV. General and Adjourn**

**PRIOR LAKE/SPRING LAKE ORDERLY ANNEXATION BOARD  
MEETING MINUTES of NOVEMBER 27, 2018**

The Prior Lake/Spring Lake Orderly Annexation Board held a meeting on Tuesday, November 27, 2018 at the Spring Lake Township Hall located at 20381 Fairlawn Avenue, Prior Lake MN 55372

Meeting called to order at 6:04 PM.

Members Present: Commissioner Barb Weckman-Brekke, Scott County  
Supervisor Ted Kowalski, Spring Lake Township  
Councilmember Zach Braid, City of Prior Lake

Staff Present: Greg Wagner, Senior Planner; Nathan Hall, Associate Planner

**I. Roll Call and Introductions**

Commissioner Weckman-Brekke opened the meeting at 6:04pm and each Board member introduced themselves.

**II. Approval of October 2, 2018 Minutes**

Motion by Z/Braid to approve minutes of October 2, 2018 as written and distributed.  
Second by T/Kowalski.

Voice Vote: Ayes 3 / Motion carries

**III. Agenda Items**

**PUBLIC HEARING – Rucker Variance**

A 100 foot variance to reduce the required 150 foot setback from a MN DNR Natural Environment Lake to 50 feet in order to replace a non-compliance septic system.

Location: Section 5  
Township: Spring Lake  
Current Zoning: RR-3

N/Hall presented the request.

Mr. Hall outlined additional background and analysis contained in the project staff report. Bohn Well Drilling Company on behalf of Carolyn Rucker is requesting a variance from the required 150 foot setback to a DNR Natural Environment Lake in order to install a new septic drain field system. The Rucker property abuts and contains a portion of Howard Lake, a DNR Natural Environment Lake. For parcels within the Shoreland Overlay Zoning District, the Scott County Zoning Ordinance requires a 150 foot setback from the Ordinance High Water Level (OHWL) of a natural environment lake to any septic tank or drain field. The request is a 100 foot variance to reduce the required setback to 50 feet to the septic system from the OHWL. The applicants' current septic system consists of a septic tank, cesspool, and a rock drainfield and was installed in 1972 when the home was constructed.

As indicated, the existing system includes a cesspool located on the northern side of the home. The results of a recent compliance inspection by Scott County Environmental Health Staff indicate that the system is not in compliance because an unsealed tank (cesspool) is being used as part of the system. The applicant has noted that

the system is failing due to tank integrity and soil separation. The parcel was created in the 1972. The parcel was not created through the platting process and therefore a primary and alternate septic drainfield location was never proposed. The new septic system will be set back further than the existing system and will offer greater protection to public health and the natural environment lake.

**Criteria for Approval:**

1. *Granting the variance will not be in conflict with the Comprehensive Plan.*

The proposal is in conformance with the Scott County 2030 Comprehensive Plan goals and policies for replacement of a non-compliant system that would benefit public health, safety, and general welfare.

2. *Exceptional or extraordinary circumstances apply to the property which do not generally apply to other properties in the same zoning district or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since the enactment of this Ordinance had no control.*

The property was developed prior to current shoreland rules requiring increased setbacks to protected waters. The standards for permitting sewage treatment systems have also changed since the existing system was installed.

3. *The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.*

Literal interpretation of the Zoning Ordinance would not allow the property owners to replace the non-conforming septic system.

4. *That the special conditions or circumstances do not result from the actions of the applicant.*

The circumstances are not based on actions of the applicants; The lot was created in 1972 prior to current shoreland and septic ordinance requirements. The age of the system is also a factor in it needing to be replaced.

5. *That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures or buildings in the same district.*

The proposal would not provide the owner any special privileges denied to other property owners as similar shoreland setback variances have been granted for non-compliant septic systems.

6. *The variance requested is the minimum variance which would alleviate the practical difficulty.*

The new septic drainfield will be set back approximately 50' from the OHWL, but due to soils and the location of the well, the proposed location is the only viable location on the property.

7. *The variance would not be materially detrimental or will not essentially alter the character of the property in the same zoning district.*

Replacement of the non-conforming septic system would protect the natural environment lake from possible wastewater issues and any subsequent concerns for public health.

8. *Economic considerations alone shall not constitute a practical difficulty if a reasonable use of the property otherwise exists under the provisions of this Ordinance.*

The proposal is not based on economic factors.

Commissioner Weckman-Brekke opened the public hearing at 6:09pm.

No public comment was received. There were no questions from the Board. Public Hearing was closed at 6:10pm on motion by T/Kowalski, second by Z/Braid. Approved 3-0

Motion by T/Kowalski, second by Z/Braid to approve the requested 100 foot variance to reduce the required 150 foot setback from a MN DNR Natural Environment Lake to 50 feet in order to replace a non-compliance septic system.

Voice Vote: Ayes 3 / Motion carries

#### **IV. General and Adjourn**

Commissioner Weckman-Brekke adjourned the meeting at 6:10pm

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Chair, Prior Lake/Spring Lake OAB

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Date Minutes Approved

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Greg Wagner, Scott County



## PRIOR LAKE-SPRING LAKE ANNEXATION BOARD

GOVERNMENT CENTER A101 • 200 FOURTH AVENUE WEST • SHAKOPEE, MN 55379-1220  
(952) 496-8653 • Fax (952) 496-8496 • Web [www.scottcountymn.gov/](http://www.scottcountymn.gov/)

### Highmark Companies request for Variance #PL2020-035

#### Request:

A variance to reduce the required 25 foot road right-of-way setback to 10 feet.

Nathan Hall, Associate Planner is the project manager and is available for questions at 952-496-8892

#### General Information:

<b>Applicant:</b>	Highmark Companies	<b>Site Location:</b>	2246 Raymond Ave. Prior Lake, MN 55372
<b>Property Owner:</b>	Gerard & Jane Wypyszynski		
<b>Legal Description:</b>	Part of Gov. Lot 2 & part of Gov. Lot 1	<b>Township:</b>	Spring Lake, Section 9
<b>Public Hearing Date:</b>	July 14, 2020	<b>Action Deadline:</b>	September 30, 2020

#### Zoning/Comprehensive Plan Information:

<b>Zoning District:</b>	RR-3, Rural Residential Single Family	<b>Comprehensive Plan:</b>	Urban Expansion Area
<b>Overlay Zoning District:</b>	Shoreland District	<b>School District:</b>	Prior Lake – Savage School District
<b>Watershed District:</b>	Prior Lake – Spring Lake	<b>Fire District:</b>	Prior Lake Fire Department
<b>Ordinance Section:</b>	Chapter 2, 43, & 70	<b>Ambulance District:</b>	Allina Transportation

#### Report Attachments:

1. Site Location Map
2. Aerial Photo
3. Variance Request Letter
4. Lot Survey dated May 19, 2020

**Request:** A variance to reduce the required 25 foot road right-of-way setback to 10 feet.

**Comprehensive Plan-** The property is located within the 2040 Comprehensive Plan's Urban Expansion Area for the City of Prior Lake. The property is also within the Prior Lake-Spring Lake Orderly Annexation Area.

**Adjacent Land Use/Zoning-** North – Vergus Avenue  
South – Raymond Avenue & Single-family home on 0.179 acre parcel, zoned RR-3  
East – Spring Lake  
West – Vergus Avenue

**Existing Conditions-** The roughly 26,800 sq. ft. (0.62 acre) parcel is located on the southern shore of Spring Lake. Vergus and Raymond Avenues partially surround the property. There are residences located on the adjacent parcels on similar sized lots. The parcel currently contains a 940 sq. ft. home and a one-car attached garage.

**Ordinance Requirements-** Front Yard Setback: 25 feet from the road right-of-way  
Side Yard Setback: 10 feet  
Rear Yard Setback: 30 feet  
Shoreland: 75 feet from the Ordinary High Water Level (OHWL) or the average distance of structures on the adjacent lots.  
Impervious Surface: 25% of the lot

**Proposed Setbacks-** Front Yard Setback: 10 feet  
Side Yard Setback: 25 feet  
Shoreland: 90+ feet from the OHWL.  
Impervious Surface: Approximately 25%

**Public Notice-** Notices were sent to property owners within 500 feet of the site.

**Background:**

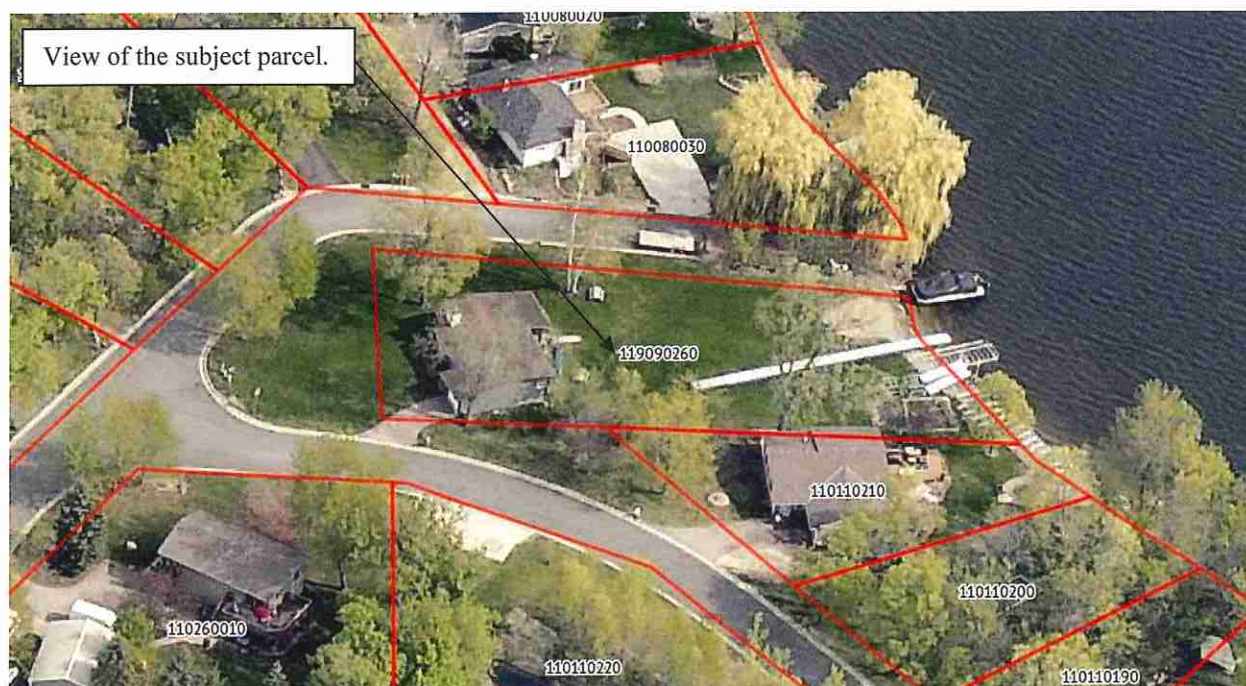
The subject parcel is 100' wide. The parcel size above the Ordinary High Water Level (OHWL) is approximately 26,800 sq. ft. The property is located in the Residential Suburban Single Family District, RR-3, and is also within the Prior Lake-Spring Lake Orderly Annexation Area with a proposed annexation year of 2024. The current minimum lot standards for the RR-3 zoning district require a minimum 75 foot lot width, 20,000 sq. ft. minimum lot size above the OHWL, and maximum impervious surface area of 25% of the lot. The property is connected to sanitary sewer and water from the City of Prior Lake.

The applicant intends to demolish the existing house and construct a new house with an attached garage. The site is an upplatted property located between two subdivisions and has a unique shape with road right-of-way on three sides. Vergus Avenue terminates along the north side of the subject parcel and will never be extended due to Spring Lake. Raymond Avenue serves three homes and a City of Prior Lake park prior to terminating at Spring Lake. The applicant has stated that the house footprint may vary slightly from what is presented on the survey but the site would be designed to meet the impervious lot coverage maximum of 25%.

The Prior Lake-Spring Lake Orderly Annexation Board has considered variance requests for Spring Lake properties in the past. In 2018, a variance was approved by the Board to expand a



legal non-conforming structure by over 50%, increase the impervious lot coverage, and reduce a side setback was approved for an existing lake home on South Shore Drive.



**Analysis:**

The parcel was created prior to a subdivision ordinance and is considered legal non-conforming. The parcel is atypical due to the road frontage on three sides. The unique nature of the parcel limits the property owner's ability to use the property in the same manner as other properties in the neighborhood.

The existing house was created in 1956 prior to current setback standards, making it a legal non-conforming structure. The current house encroaches on the road right-of-way as does the adjacent residence. Both Raymond and Vergus Avenues receive minimal traffic. The parcel is large enough that an impervious lot coverage variance would not be needed. The proposed placement would allow greater space between the new home and the neighbor's existing home to the south that is 2.2 feet from the shared property boundary.

If the Board finds appropriate, the variance approval may be adjusted to allow the home to be centered on the parcel between Raymond and Vergus Avenues. Another possible option would be to reduce the depth of the garage from 35' to allow for a 19' setback to be met.

**Township Recommendation:**

The Spring Lake Town Board will be making a recommendation at their July, 2020 meeting. A copy of the recommendation will be provided at the public hearing.

**City Recommendation:**

City of Prior Lake staff were notified of the variance request and staff will update the Board with any comments at the public hearing.

**Staff Recommendation:**

Staff recommends approval of the requested variance to reduce the required 25 foot road right-of-way setback to 10 feet.



### **Criteria for Granting Variances:**

1. *Granting the variance will not be in conflict with Comprehensive Plan.*

The 2040 Comprehensive Plan guides the land use in this area as Urban Expansion Area. As indicated the property is also within the Prior Lake-Spring Lake Orderly Annexation Area which means that it will be annexed into the City of Prior Lake in the future and come under City land use regulations at that time. The property will be used as a single-family residence and is not in conflict with the Comprehensive Plan.

2. *Exceptional, unique, or extraordinary circumstances apply to the property which do not generally apply to other properties in the same zoning district or vicinity, and result from lot size or shape, topography or other circumstances over which the owners of property since the enactment of this ordinance have no control.*

The unusual position of the parcel at the intersection of two streets creates a situation where a variance is necessary to create a modern lake home.

3. *The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.*

The literal interpretation of the ordinance would deprive the applicants of rights enjoyed by other properties in the area. Multiple single-family residences along Spring Lake have side setbacks of less than 10 feet.

4. *That the special conditions or circumstances do not result from the actions of the applicant.*

The variance requested is due to the substandard lot size and location of the existing home which are circumstances that are not a result of the applicant or property owners' actions. The lot was created and developed with the existing home prior to current zoning regulations.

5. *That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures or buildings in the same district.*

Granting the variance will not confer any special privilege to the applicant that does not already exist on other lots adjacent to Spring Lake. Due to the small lot sizes platted around Spring Lake it is challenging for lot owners to develop a modern, single family home that meets current lot standards without minor relief from zoning regulations.

6. *The variance requested is the minimum variance which would alleviate the practical difficulty.*

The requested variance alleviates the practical difficulty created by the Scott County Zoning Ordinance and allows for the construction of a modern home.

7. *The variance would not be materially detrimental or will not essentially alter the character of the property in the same zoning district.*

The variance will not be materially detrimental and will not alter the character of the property or neighborhood if granted since all adjacent lots have single family residences on similar sized parcels.

8. *Economic considerations alone do not constitute practical difficulties.*

Economic consideration does not figure into this request; this is a variance to construct a more reasonable sized home than what was anticipated when the lot was created.

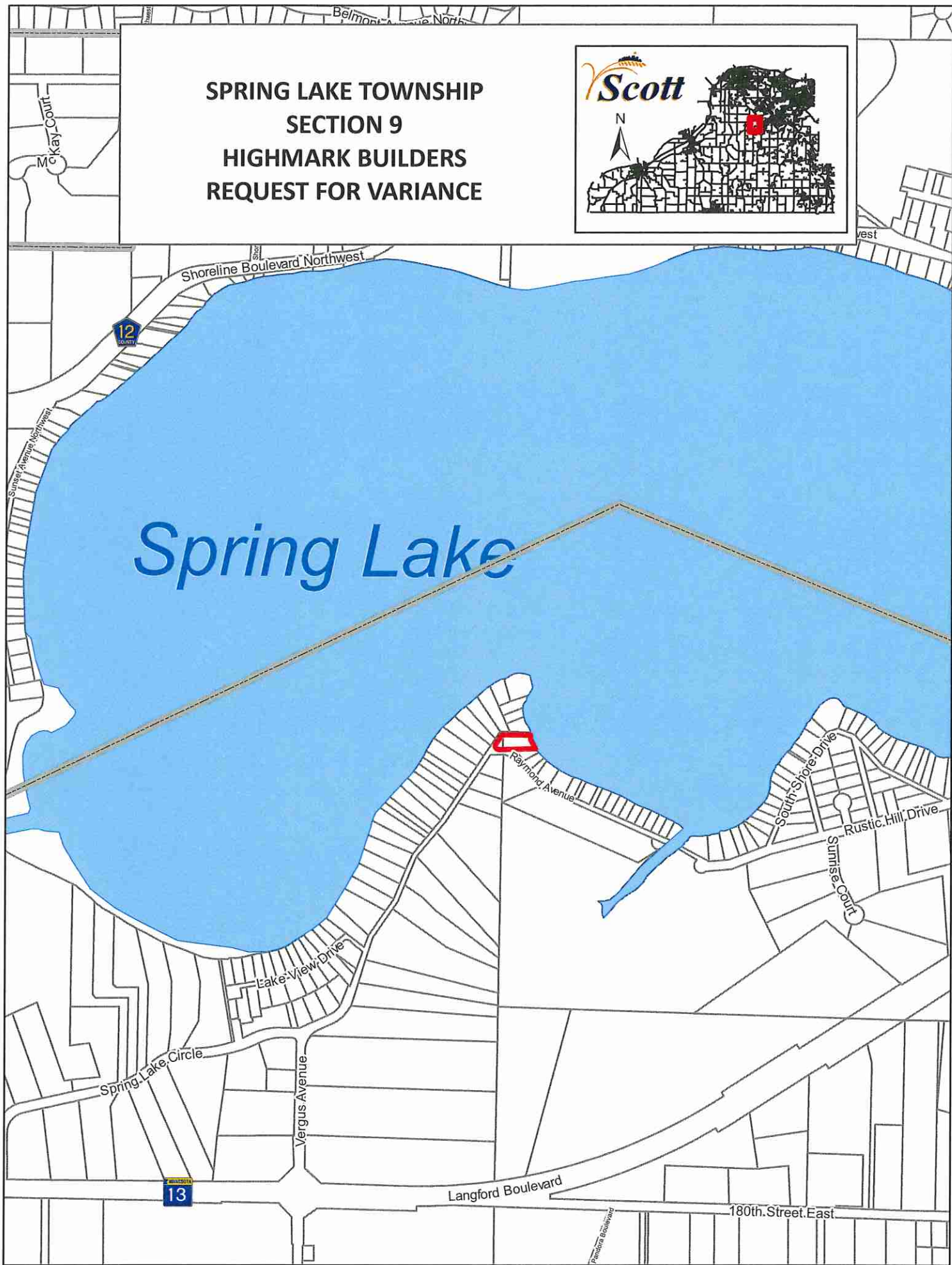
**Alternatives:**

1. Approve the variance request as recommended by Planning Staff based on the hardship criteria.
2. Approve the variance request as recommended by the Planning Staff with amendments to the hardship criteria and/or add conditions.
3. Table the variance request for a specific reason.
4. Deny the variance request for a specific reason.

**Suggested Motion:**

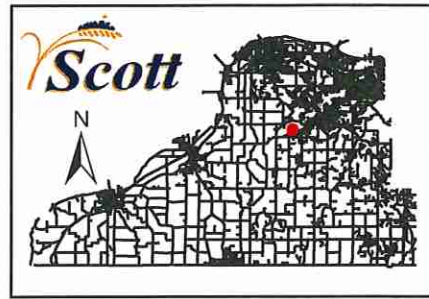
Based on the criteria for granting a variance, I recommend approval of the requested variance to reduce the required 25 foot road right-of-way setback to 10 feet.

**SPRING LAKE TOWNSHIP  
SECTION 9  
HIGHMARK BUILDERS  
REQUEST FOR VARIANCE**





**SPRING LAKE TOWNSHIP  
SECTION 9  
HIGHMARK BUILDERS  
REQUEST FOR VARIANCE**





June 19th, 2020

Scott County  
Greg Wagner  
Community Development  
200 Fourth Avenue West  
Shakopee MN 55379

Variance Request

On the behalf of homeowners Gerard & Jane Wypyszynski, Highmark Companies is requesting a variance for the property located at 2246 Raymond Ave, Jordan MN 55352. The variance we are seeking is for a 10' side yard setback on the North Public Road. Attached you will find a survey from James R. Hill, Inc. denoting the location for the proposed setback as it relates to a proposed home. The property is a corner lot that contains challenges and limitations because both side yard setbacks are set at 25' along with the front yard. As set forth in detail below, we believe the approval of the variance will give the homeowners a more useable lot and property.

Property Details:

- 2246 Raymond Ave is a corner lot on Spring lake. The roads that encompass this parcel are as noted: *Raymond Ave* to the South, *Vergus Avenue* to the West, and the *Public Road* to the North.
- All three sides of the property have 25' yard setbacks from the property lines, which creates a narrow building space.
- Setbacks on Raymond Avenue will remain at 25' and setbacks on Vergus Avenue will remain at 25'
- The current setback off Raymond Avenue does not follow the platted right of way and curvature of the road which is non-typical in this scenario.
- Due to the current 25' setbacks on all three sides of the property, the buildable area for the lot is greatly reduced in size and constrains the home to the middle of the lot.
- Neighbors to the south at 2260 Raymond Ave are 5' to 7' from the Wypyszynski property line. This is another reason we are asking for the 10' variance on the Public Road.

Proposed Variance:

- The variance makes possible a reasonable use of the property by allowing the standard 10' side yard setback on the Public Road. By granting this, it lends more ability to maximize the use of the lot while giving adequate space between adjoining neighbors and the front yard. It's a reasonable request for this property to have one 10' setback on the property.

Thank you in advance,



Nathan Carlson  
Project Development  
Highmark Companies







## STAFF REPORT PREPARED FOR TOWNSHIPS & ORDERLY ANNEXATION BOARD

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### Chad Adamek – Public Dog Kennel

#### Request:

Interim Use Permit (IUP) for Chad Adamek to operate a public dog kennel.

Greg Wagner, Principal Planner, is the project manager and is available for questions at 952-496-8360.

#### General Information:

<b>Applicant:</b>	Chad Adamek	<b>Site Location:</b>	18021 Langford Boulevard
<b>Property Owner:</b>	Roselyn Whipps	<b>Township:</b>	Section 17, Spring Lake
<b>Public Hearing Date:</b>	July 14, 2020	<b>Action Deadline:</b>	August 11, 2020 (60 Day)

#### Zoning/Comprehensive Plan Information:

<b>Zoning District:</b>	Urban Expansion Reserve, UER	<b>Comprehensive Land Use Plan:</b>	Urban Expansion Area
<b>Police District:</b>	Scott County Sheriff	<b>School District:</b>	Jordan #717
<b>Watershed District:</b>	Scott WMO	<b>Fire District:</b>	Prior Lake
<b>Ordinance Sections:</b>	Chapters 2, 16, & 30	<b>Ambulance District:</b>	Allina Transportation

#### Report Attachments:

1. Site Location Map
2. Aerial Photo
3. Applicants Business Narrative
4. Site Plan
5. Kennel Building Floor Plan

<b>Request-</b>	Interim Use Permit (IUP) for Chad Adamek to operate a public dog kennel.
<b>Comprehensive Plan-</b>	The proposal is consistent with the goals and policies of the Urban Expansion Reserve Area identified in the 2040 Comprehensive Plan for rural business uses.
<b>Adjacent Land Use/Zoning-</b>	<u>North</u> – 2.5-acre residential lots, zoned UER-C <u>South</u> – 20-acre agricultural parcel, zoned UER <u>East</u> – 22-acre agricultural parcel, zoned UER <u>West</u> – 10-acre residential parcel, zoned UER
<b>Existing Conditions-</b>	The 27-acre parcel consists of a home, detached garage, and pole building on the northern 2 acres. The remaining 25 acres is largely open agricultural land south of the buildings, including some small wetland areas.
<b>Ordinance Requirements-</b>	<u>Structure Setbacks:</u> <b>Front Yard:</b> 150' from the centerline of a State road or 100' from the State road right-of-way, whichever is greater <b>Side Yard:</b> 30 feet <b>Rear Yard:</b> 60 feet
<b>Proposed Development-</b>	<u>Setbacks</u> – Measurements are to the pole building/kennel: <b>Front Yard:</b> 320 feet from centerline <b>Side Yard:</b> 40 and 160 feet <b>Rear Yard:</b> 425 feet
<b>Existing Roads-</b>	The property has frontage and driveway access to Langford Boulevard, State Trunk Highway 13
<b>Road Improvements-</b>	No road Improvements have been proposed, the site has a single driveway access to the state road, which will require an access permit from MnDOT.

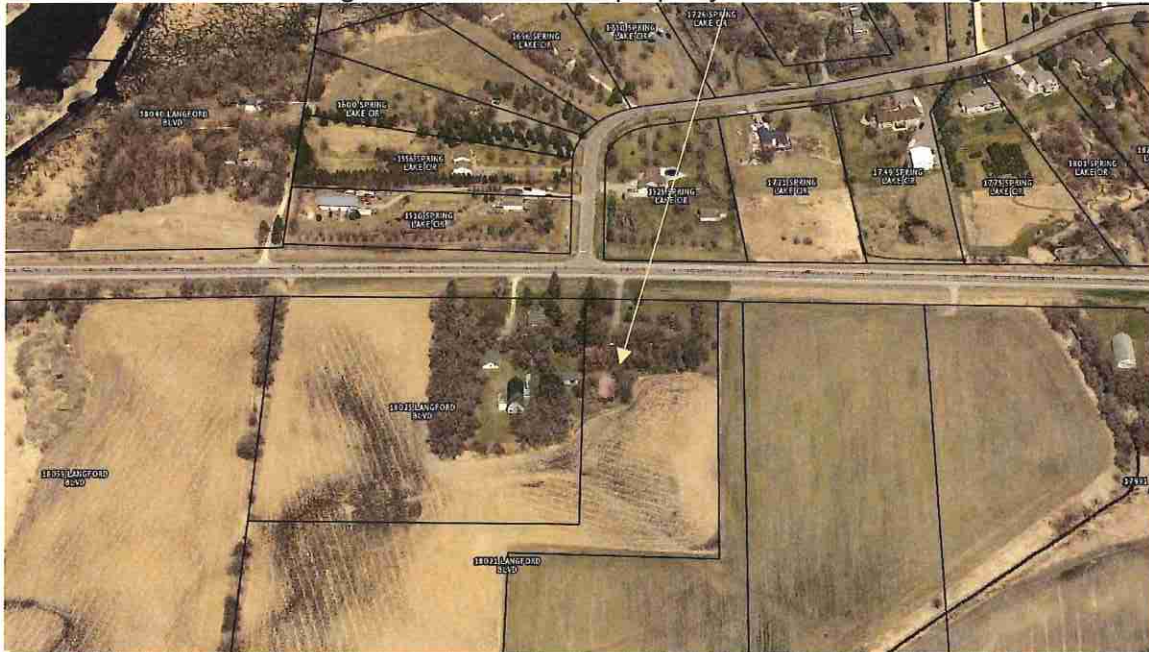
### **Background:**

Chad Adamek is proposing to operate a public dog kennel primarily for daily dog daycare serving up to 25 dogs with limited overnight boarding services. The proposed kennel would be operated from an existing 30 foot by 50-foot pole building located at 18021 Langford Boulevard (State Trunk Highway 13), which is a 27-acre parcel owned by Roselyn Whipps, a relative of Mr. Adamek. As outlined in the business narrative, the applicant proposes to add a 48 foot by 50-foot outdoor play area on the east side of the building. This would be enclosed by a 6-foot privacy fence.

The Whipps property is zoned Urban Expansion Reserve (UER) and is located within the Orderly Annexation Area (OAA) for Spring Lake Township and the City of Prior Lake. It consists of an existing home, detached garage, and the pole building on the northern 2 acres, and the remaining 25 acres is largely open

agricultural land. The kennel building is located on the south end of a wooded area, approximately 300 feet from the state highway, which will provide some screening from residential uses to the north. Adjacent to the west is a farmstead belonging to another family member of Mr. Adamek, and the nearest neighbor to the east is a farmstead located just over 1000 feet from the kennel building.

**Site Photo-** A view looking north at the kennel property and kennel building location.



The Scott County Zoning Ordinance allows public kennels serving 5 to 25 dogs as an Interim Use Permit (IUP) in the Urban Expansion Area. Since the parcel is within the OAA the public hearing and decision on the IUP is through the Orderly Annexation Board. Mr. Adamek contacted County staff as well as the City of Prior Lake planning staff to discuss the request, and he also attended a Development Review Team (DRT) meeting with county staff, city staff, and Spring Lake Township to discuss the request.

#### **Analysis:**

Concerns with a public kennel are typically noise (barking), traffic, and dealing with animal waste and cleaning. The main focus of the Adamek kennel business is daily dog daycare, with home pick up and drop off services, and then overnight boarding for 8-10 dogs. The daily pick-up/drop-off service aims to reduce the number of trips to the property. As indicated in the narrative the kennel building will be climate controlled and insulated to help keep the dogs comfortable but also help with sound. A 6-foot privacy fence will be installed around the outdoor recreation area to screen that area from surrounding land uses and try to limit barking at outside distractions.

One item discussed with City staff and at the DRT meeting is the location of the business in relation to the City of Prior Lake and future city growth. City staff and the applicant discussed the kennel not being an allowed use in the city's future land use plan, upon annexation. The applicant would like to use this site to get the business up and running but would have another location further south on Trunk Highway 13 where



the business could build a new building and relocate in the future. The applicant and city staff agreed to a 5-year termination date on the IUP for this site.

**Building & Environmental:**

For operations the applicant plans to have a full-time kennel manager and then up to 4 part time employees. The building would have an office and up to 10 overnight kennel suites for boarding. At the DRT meeting County Building Inspections provided the applicant with information for any improvements to the building and permit requirements. Obtaining all necessary plumbing, mechanical, and electrical permits is listed as a condition of the IUP.

Scott County Environmental Services also provided comments for connecting a bathroom to the existing septic system. A compliance inspection is required for the septic, which will determine if any modifications need to be completed. Dog waste cannot go into the septic system so the applicant will need to provide a copy of a contract with a licensed animal waste hauler. Septic compliance and necessary permits, as well as providing and maintaining a waste hauling contract are conditions of the IUP.

**Traffic & Access:**

The applicant provided the attached traffic information to the County and to MnDOT for review of trips anticipated for the business. MnDOT indicated that an access permit is required due to the change in use from residential to a business use to verify the access is sized appropriately. This permit is also a condition of the IUP.

The driveway is paved from the road entrance back to the south end of the home. From that point there is a dirt/pea rock driveway leading up to the accessory building; the applicant plans to add class V to allow for vehicle access and parking for employees at the kennel building.

**Township Recommendation:**

Spring Lake Township will be making a recommendation at their July 2020 board meeting. A copy of the recommendation will be provided at the public hearing.

At the DRT meeting the Township raised a concern regarding barking dogs and the nearest neighbor to the west. The applicant indicated this is a family member who is aware of the proposed kennel and is supportive of the use.

**City of Prior Lake:**

City staff met with the applicant earlier this year and discussed the city's future growth area and that this use would not be permitted upon annexation. City staff and the applicant agreed to the 5-year termination condition, which has been added to the conditions of the Interim Use Permit.

**Staff Recommendation:**

Subject to the conditions of approval, the proposed Interim Use Permit conforms to the zoning ordinance; therefore, staff recommends approval of the Interim Use Permit based on the eight criteria for approval listed below:

**Conditions to be Satisfied Prior to Occupancy:**

1. Building permits are approved for all improvements to the building as required by the Scott County Building Official.
2. A compliance inspection report is provided to Scott County Environmental Services, and any required improvements or permits are obtained for septic compliance. A copy of the animal waste hauling contract is provided.
3. An access permit is obtained from MnDOT for the change in access use.

**Conditions of Approval:**

1. This Interim Use Permit (IUP) is issued to Chad Adamek to operate a public dog kennel serving up to 25 dogs at 18021 Langford Boulevard, Jordan MN.
2. The applicant is to file with the Scott County Planning Office in January of each year a statement indicating that he is in compliance with the conditions of the Interim Use Permit (IUP).
3. This IUP shall be annually reviewed by the Township at a time and in a manner as prescribed by the Spring Lake Township Board.
4. The applicant shall pay an annual inspection fee for the IUP, if and when the County adopts an inspection fee ordinance.
5. The business shall be run according to the applicant's narrative (titled Waggly Park @ Whipps) and site plan.
6. Any signage shall comply with the Scott County Sign Ordinance.
7. The structure utilized for the business shall meet the requirements of the Scott County Building Official and the State Building Code prior to occupancy.
8. Noise levels, which constitute a nuisance, from barking dogs shall require the applicant to limit hours of outdoor recreation or provide other means to control barking of dogs.
9. The applicant shall provide a compliance inspection for the property's existing septic system and shall comply with the resulting requirements of the inspection pertaining to wastewater treatment, including necessary permits.
10. The applicant shall provide a copy of the contract with a licensed animal waste hauler as required by Scott County Environmental Services.
11. This IUP shall terminate 5 years from the date of approval, or upon cessation of business activities on the property, whichever is first.
12. The applicant shall apply for and receive an access permit from MnDOT for the change in access use of the property.

### **Criteria for Approval (Chapter 2-6-1):**

1. *The use will not create a burden on public facilities and utilities, which serve or are proposed to serve the area.*

The proposed use will not have a negative impact to the public facilities that serve the property and the surrounding area.

2. *The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.*

The location of the kennel building is south the existing home and surrounding woodlands on the 27-acre property. It should be screened from Trunk Highway 13 and the homes on the north side of the road. The nearest residence to the south is nearly ½ mile away, the farmstead to the east is over 1000 feet away and has some onsite wooded areas to help screen, and the resident to the west is a relative of the applicant who supports the kennel.

3. *If improvements are made, they shall be so designated and constructed that they are not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.*

The building is similar to other rural accessory buildings located on adjacent properties and will not be very visible to adjacent parcels or from Highway 13.

4. *Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide on-site parking.*

The applicant will need to apply for an access permit from MnDOT for the change in use and plans to utilize a pick-up and drop-off service to limit trips to the site. Any grading or expansion of the driveway for parking on-site will be reviewed by the County to determine if a grading permit is required.

5. *Adequate water supply, Individual Sewage Treatment System facilities, erosion control, and stormwater management are provided in accordance with applicable standards.*

A compliance inspection is required for the existing septic system. The results of the compliance inspection will determine what septic improvements or permits are required. Class V will be added for the additional driveway and parking area south of the home. Any land disturbance over 10,000 sq. ft. will require a grading permit and erosion control reviewed by the County.

6. *All buildings/structures must meet the intent of the State Building Code and/or fire codes.*

Proposed improvements shall require permits as required by the County Building Official for compliance with Minnesota State Building Codes.



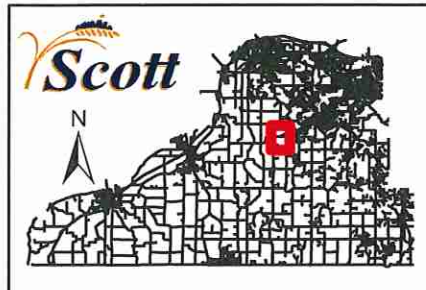
**Orderly Annexation Board/Township Alternatives:**

1. Approve the request as recommended by Planning Staff with the specified conditions.
2. Approve the request as recommended by the Planning Staff with amendments to the conditions.
3. Table the request for a specific reason.
4. Deny the request for a specific reason.

**Suggested Motion for Planning Commission or Township Board:**

Based on the criteria for approval listed in the staff report, I recommend approval of the Interim Use Permit for Chad Adamek to operate a public dog kennel.

**SPRING LAKE TOWNSHIP  
SECTION 17  
CHAD ADAMEK  
REQUEST FOR INTERIM USE PERMIT**



174th Street East

Marsden

17  
MICHIGAN

Country Trail East

Langford Avenue

13  
MICHIGAN

Langford Boulevard

13  
MICHIGAN

Spring Lake Circle

Lake View Drive

Vergus Avenue

185th Street East

186th Street East

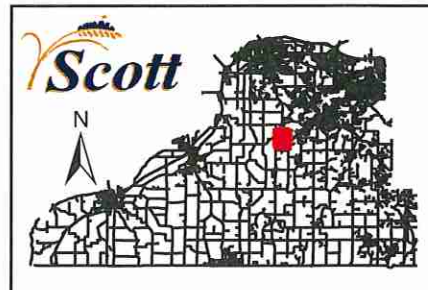
Langford Avenue

Halifax Lane

189th Street East

190th Street East

**SPRING LAKE TOWNSHIP  
SECTION 17  
CHAD ADAMEK  
REQUEST FOR INTERIM USE PERMIT**





## **Waggly Park @ Whipps:**

The plan is to run a doggy daycare out of an existing Ag shed located at 18021 Langford Blvd, Jordan MN 55352

We will provide at home pick up and drop off services for your pet and give them our undivided attention while they play with their friends at Waggly Park.

Our facility will consist of a 30 x 50 heated/cooled shed with 8-10 indoor individual privacy suites and open play area. We will also have a 48 x 50 fenced in outdoor play area attached to the shed, fence will be 6ft privacy fence. The building will be equipped with in-floor heat, air conditioning and air exchanger. Our goal is to provide a safe, stimulating and fun-loving environment with lots of love and treats to share with your fur babies.

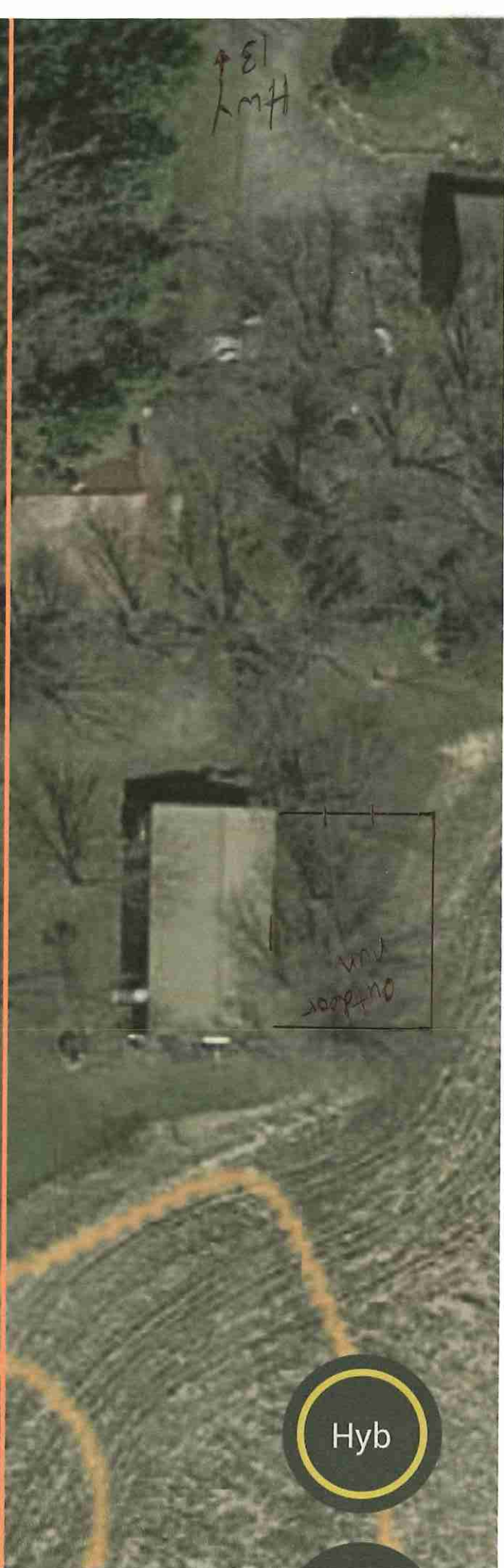
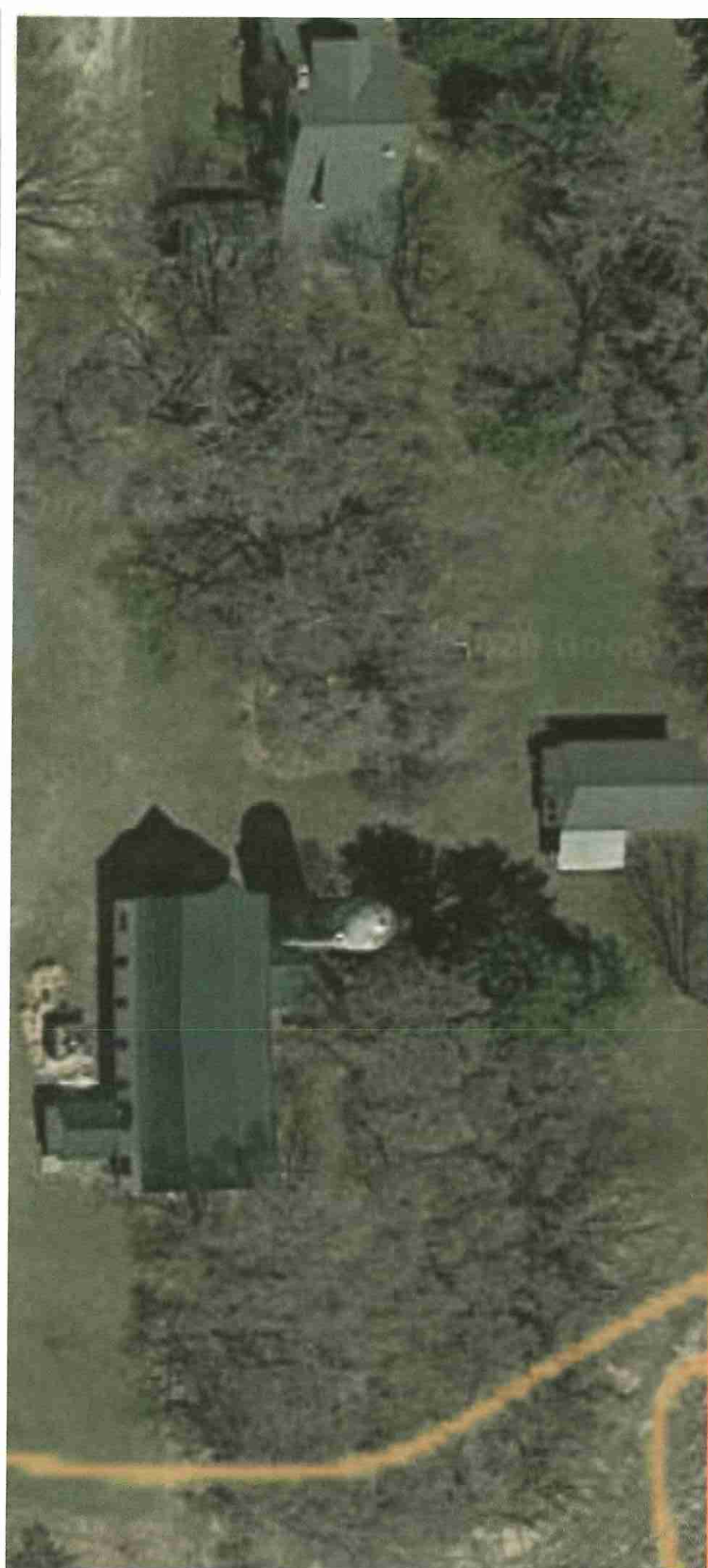
### **Services Provided:**

- Doggy Day Care – free range indoor play in our 30 x 50 shed and outdoor high privacy fence in our 48 x 50 secure play area.
- Over night boarding with free range indoor play and kennel up options for safety overnight
- 24hr supervision and surveillance for daycare and over night boarding
- Web cams to watch your fur babies play
- Summertime relaxing in our kitty pools in the 48 x 50 secure area
- Individual exploring expeditions and ball play by request
- Offsite grooming services available
- Obedience training and socialization training

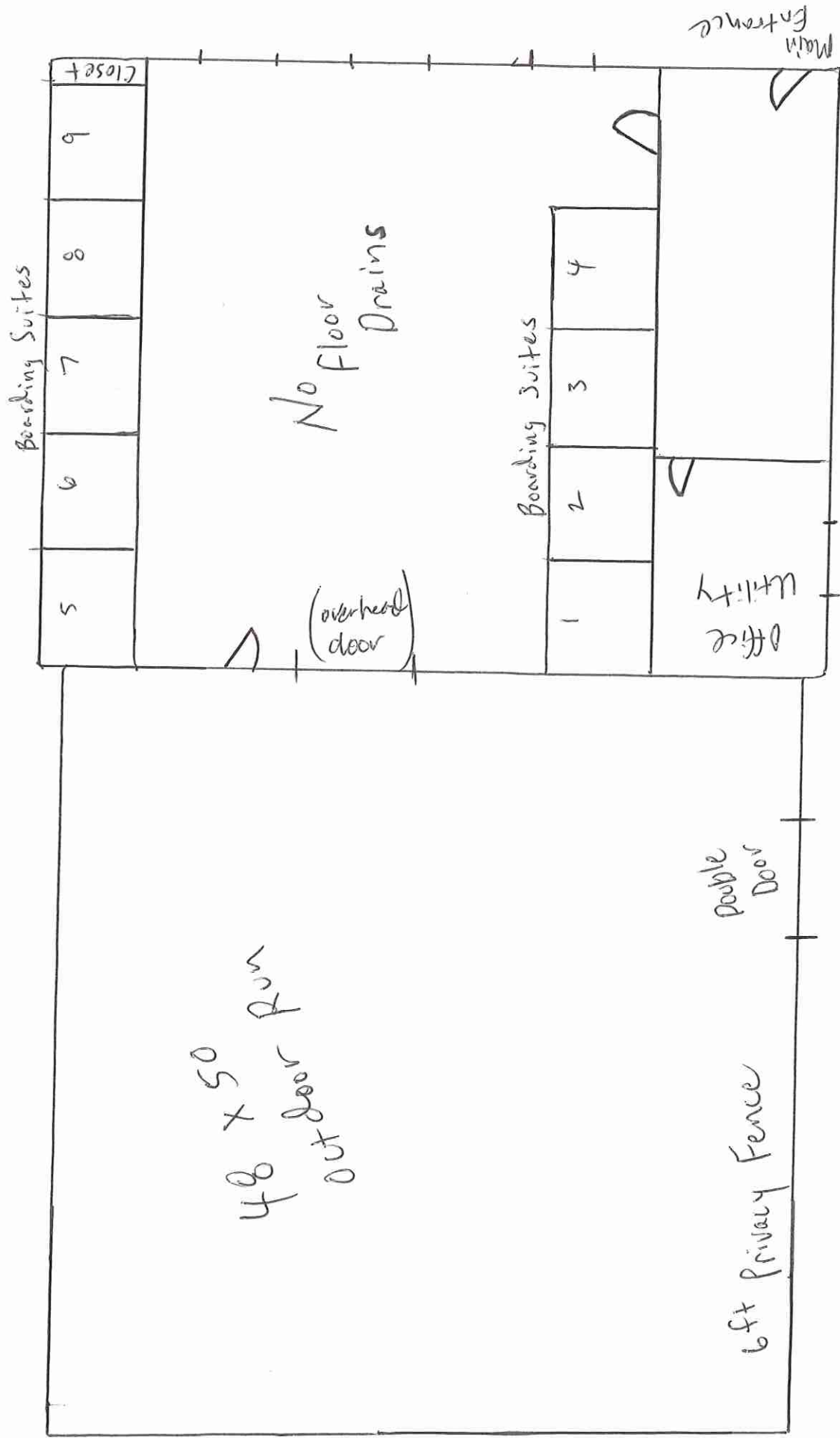
### **Preliminary Hours of Operation:**

- Monday – Friday: 7:30 – 4:30
- Saturday – Sunday: 7:30 – 3:00
- Special drop off and pick up services available upon request

I plan to have 3-4 part time employees, I will be there in the mornings and evenings with part time help during the day.



Hyb



Building Front